

REMARKS

In the Office Action sent on May 5, 2008, the Examiner rejected claims 1-7 and 11-17, 20 and 21 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Publication No. 2002/0173866 to Dangberg et al. in view of U.S. Patent No. 7,280,296 to Shirato and in further view of U.S. Patent Publication No. 2003/0185107 to Goodman et al.; rejected claim 8 under 35 U.S.C. 103(a) as being unpatentable over Dangberg et al., Shirato and Goodman et al. in view of U.S. Patent Publication No. 2003/0035072 to Hagg; rejected claim 9 under 35 U.S.C. 103(a) as being unpatentable over Dangberg et al., Shirato and Goodman et al. in view of U.S. Patent No. 4,387,469 to Miyazaki et al.; and rejected claims 18-19 under 35 U.S.C. 103(a) as being unpatentable over Dangberg et al., Shirato and Goodman et al. in view of U.S. Patent Publication No. 2004/0171377 to Engstrom.

In response, Applicant has amended claims 1, 11 and 13 and cancelled claims 5, 12, 20 and 21. No new matter has been added.

Claim 13 was amended to correct a minor typographical error.

With respect to independent claims 1 and 11, Applicant has amended those claims to further define stopping playback of a digital audio stream based on a type of recorded content from the radio broadcast. Support for these amendments can be found in paragraph [0017]. Neither Dangberg, Shirato nor Goodman et al. allow for switching between different audio sources based on the type of content recorded from the radio broadcast.

With respect to claim 9, Applicant asserts that the Examiner is making an improper combination to reject the claim. Miyazaki does show a frequency detector 5 in

Figure 1. Miyazaki fails to describe the purpose of frequency detector 5. Instead, the Examiner presumes that the purpose of frequency detector 5 is to allow selection of the best wave in a certain set of conditions. Applicant cannot find any passage in Miyazaki that states this is the function of frequency detector 5. Thus, the Examiner is inventing a purpose of frequency detector 5 that is not supported in the text of Miyazaki.

In addition, the combination of Dangberg, Shirato, Goodman et al. and Miyazaki does not arrive at the claimed invention. As has been stated before, claim 9 is directed towards detecting a particular frequency signal in the content of the radio broadcast. Miyazaki does not examine the content of the shortwave radio signals received. Instead, as noted by the Examiner, Miyazaki selects one particular shortwave radio frequency based on a set of conditions. Those conditions relate to noise/signal strength and not content of the shortwave radio signals. See generally column 1, lines 39-48. Since Miyazaki looks at the relative strength of a particular shortwave, and not any characteristic of its content, the proposed combination cannot render claim 9 unpatentable.

Claims not specifically mentioned above are allowable due to their dependence on an allowed claim.

CONCLUSION

No additional fees are due beyond those for the Petition for a One (1) Month Extension of Time and the Request for Continued Examination. However, the Office is authorized to charge any additional fees or underpayments of fees (including fees for petitions for extensions of time) under 37 C.F.R. 1.16 and 1.17 to account number 502117. Any overpayments should be credited to the same account.

Applicant respectfully requests reconsideration of the present application, withdrawal of the rejections made in the last Office Action and the issuance of a Notice of Allowance. The Applicant's representative can be reached at the below telephone number if the Examiner has any questions.

Respectfully submitted,

David T. Horoschak et al.

_____/Benjamin D. Driscoll/_____
Benjamin D. Driscoll
Reg. No. 41,571
Motorola, Inc.
101 Tournament Drive
Horsham, PA 19044
P (215) 323-1840
F (215) 323-1300

____/August 20, 2008____
Date